

Adopted: November 2, 1960
Amended: March 3, 1966
effective April 4, 1966

BOSTON REDEVELOPMENT AUTHORITY

RULES AND REGULATIONS

FOR SECURING APPROVAL OF PROJECTS IN BOSTON

UNDER CHAPTER 121A OF THE GENERAL LAWS AS AMENDED

1. Every application submitted to the Authority under Section 13 of Chapter 652 of the Acts of 1960, as amended by Section 2 of Chapter 859 of the Acts of 1965, whether by persons intending to associate themselves by written agreement of association with intent to form a corporation under Chapter 121A of the General Laws for the purpose of undertaking and carrying out under said Chapter a project in Boston, or by an insurance company, savings bank or group of savings banks intending to carry out under said Chapter a project in Boston, or by individuals, or an association of individuals in the form of a joint venture, partnership, limited partnership or trust intending to undertake under said Chapter a project in Boston, and every amendment of any such application, shall be submitted in conformity with these rules and regulations; provided, however, that if approval or consent is given upon an application, such application shall be deemed to have been submitted in conformity with these rules and regulations.

2. Every application submitted to the Authority under said Section 13, and every amendment of any such application, shall be in writing and signed under oath by all of the persons intending to associate themselves as aforesaid, or by a duly authorized officer of the insurance company or of each savings bank, or by all such individuals whether or not so associated, as the case may be, and, if signed by such an officer, shall have attached to it evidence of corporate action authorizing its submission.

3. Every application submitted to the Authority under said Section 13, and if any amendment of such an application requires further hearing and report, such amendment, shall be accompanied by a filing fee of one hundred dollars, which shall be retained by the Authority for its own use whether or not it grants approval or consent.

4. Every application submitted to the Authority under said Section 13 shall contain:

- A. The name, residential address and occupation of each applicant and, except in the case of an insurance company or savings bank, his bank references. One of the applicants shall be designated as the person to whom all notices and requests shall be sent by the Authority.
- B. A general description by metes and bounds of the project area.
- C. A statement as to whether or not the project area by itself or as a part of a larger area has been declared under Chapter 121 of the General Laws to be a blighted open, decadent or substandard area; and if it has not, a further statement reciting facts which, in the opinion of the applicant(s), make the project area a blighted open, decadent or substandard area as defined in Chapter 121A of the General Laws.
- D. A general description of the project for which the Authority's approval is sought, including a description in general terms of the buildings and structures proposed to be built as well as of the facilities proposed to be furnished, and including also a description of the uses to which the project is to be put and of the expected types of occupants.
- E. Proposed timetable for commencement and completion of project.
- F. A statement of the minimum cost of the project.

- G. A statement in reasonable detail of the method or methods by which the cost of the project will be financed, including, except in the case of an application by an insurance company, savings bank or group of savings banks:
- a. If the project is to be undertaken by a corporation, a description of the proposed corporate structure;
 - b. The amount proposed to be raised by mortgage financing;
 - c. All amounts to be contributed to equity capital and by whom;
 - d. All other amounts to be raised, in what manner, and, so far as known, from whom;
 - e. The amounts of stock or other securities of a corporation, if any, or shares or other financial interest in a joint venture, partnership, limited partnership, or trust, if any, to be issued, created or transferred in payment for services, together with a description of such services and a statement of the value thereof;
 - f. A disclosure of all persons, natural and corporate, who have, or prior to completion of the project will have, directly or indirectly, any beneficial interest in the project.
- H. A statement of the reasons why, in the opinion of the applicants(s), the project does not conflict with the master plan for the City of Boston, is feasible, and is necessary or desirable.
- I. A statement whether or not the project area includes land within any location approved by the Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.
- J. A statement as to whether or not the carrying out of the project will involve the destruction or rehabilitation of buildings occupied in whole or in part as dwellings and, if so, a feasible method for the temporary relocation of families displaced.

- K. So far as known to the applicant(s) at the time of submission of the application, a statement of all permissions which will be required for the project to deviate from zoning, building, health and fire laws, codes, ordinances and regulations in effect in Boston.
- L. A statement as to whether or not the carrying out of the project will require the grant of a permit for the erection, maintenance and use of a garage within five hundred feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty pupils, or as a public or private hospital having more than twenty-five beds, or as a church, together with a statement of the reasons why, in the opinion of the applicant(s), such garage will not be substantially detrimental to such a school, hospital or church.
- M. A statement as to whether or not the project involves the construction of units which constitute a single building under the Boston Building Code and zoning law, and if so, whether or not the carrying out of the project will require a declaration by the Authority, with the approval of the Mayor of Boston, that such units constitute separate buildings for the purposes of Chapter 138 of the General Laws.
- N. The minimum standards to which the corporation, insurance company, savings bank or group of savings banks, individuals or association of individuals will be willing to conform in the financing, construction, maintenance and management (including the character and scope of charges to be made against income and accounting procedures) of the project.
- O. The amount, if any, to be paid to the City of Boston pursuant to contract under Section 6A of Chapter 121A of the General Laws and the year or years in which it is to be paid.
- P. A statement of the length of time that will be required after final approval of the project to determine whether or not to carry out the project.

5. Every application submitted to the Authority under said Section 13 shall be accompanied by the following documents, which shall be incorporated therein by reference and deemed a part thereof and included in the oath under which the application is subscribed:

- A. In the case of a corporation to be formed under Chapter 121A of the General Laws, a copy of the Agreement of Association in a form furnished or approved by the Commissioner of Corporations and Taxation; and in the case of individuals or an association of individuals, a copy of the joint venture agreement, partnership agreement, limited partnership agreement, indenture of trust, or other form of agreement among such individuals.
- B. A site plan showing the project area and the approximate location of structures and facilities to be constructed as a part of the project.
- C. Drawings showing the buildings and other improvements to be constructed and adequate to show the nature and extent of the project.
- D. Outline specifications showing generally the character and quality of the construction to be employed.
- E. Such further material, if any, as may be necessary or convenient to show the nature and extent of the project.

6. With every application submitted to the Authority under said Section 13, there shall also be submitted:

- A. Ten conformed copies of the application, exclusive of the documents required by Rule 5.
- B. Five copies of a draft of the contract required by Section 6A of Chapter 121A of the General Laws.
- C. In the case of an application by individuals or such an association of individuals, five copies of a draft of the regulatory agreement required by subsections 18C (c), (e), and (f) of said Chapter 121A.
- D. Except in the case of an application by an insurance company, savings bank or group of savings banks, an instrument wherein the proposed stockholders, or the individuals, or all the individuals in such association of individuals, as the case may be, under seal covenant

with the Authority that they will not prior to completion of the project dispose of their interests in the proposed corporation, or in the joint venture, partnership, limited partnership or trust, as the case may be, or in the project, without first obtaining from the Authority leave to do so.

7. Every application submitted to the Authority under said Section 13 shall be supplemented at such times as the Authority shall specify by such additional material as the Authority may reasonably require.

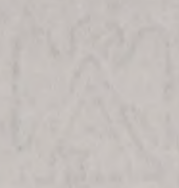
8. No action will be taken by the Authority to approve or disapprove an application until after a public hearing thereon of which notice, stating the time and place of the hearing, has been advertised by the Authority twice in a daily newspaper of general circulation published in Boston, the first publication to be at least fifteen days prior to the date of the hearing. Such notice shall also be sent by the Authority by mail, postage prepaid, to the Massachusetts Turnpike Authority, such persons, if any, as the applicant or applicants may request, and such other persons, if any, as the Authority may order. No notice shall be published or sent until the applicant or applicants have paid to the Authority such amount as the Authority shall have estimated the publishing and sending of such notice will cost the Authority.

9. Hearings will be open to the public and will be conducted in accordance with the following procedure:

- A. Such evidence as is appropriate in support of the application shall be presented by the applicant or applicants, and others may introduce appropriate evidence in support of or in opposition to the application. Documentary evidence may be received in the form of copies or excerpts. The rules of evidence observed by courts need not be observed, but the rules of privilege recognized by law will be observed. Evidence will be accepted only if in the judgement of the Authority it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Repetitious evidence may be excluded. Persons interested in the hearing may be represented by counsel.

- B. The members of the Authority will utilize their experience, technical competence and specialized knowledge and that of their staff in considering the application and evaluating the evidence presented to them.
- C. If before noon on the last business day preceding the date fixed for the commencement of such hearing any person files written request with the Authority for the appointment of a stenographer to report the testimony at such hearing and pays to the Authority such amount as the Authority shall estimate the employment of such stenographer will cost the Authority, the Authority shall include a transcript of such testimony in its official records, open to public inspection.
- D. Upon completion of the hearing, an opportunity will be afforded interested persons to present argument. Such argument may be oral or in writing as the Authority may determine and may be presented at such time as the Authority may prescribe.

10. After the Authority's adoption of a report and decision on an application and approval of the same by the Mayor, applicant(s) may find it necessary to amend their application as a result of developments or factors not foreseen at the time of the original application, such as, but not limited to, an increase in the proposed cost of the project, adjustment in the boundary of the project, or a need for additional deviations from existing laws, codes, ordinances and regulations. In such cases, applicant(s) may file amendment(s) to the application, subject to the provisions of Section 3 hereof, and the Authority shall approve or disapprove the same and amend the report and decision accordingly.



EAGLE-A

TRIMARK BOND

25% COTTON FIBER WEA